

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES TYRONE EDWARDS, :
 :
 Plaintiff, :
 :
 vs. : CIVIL ACTION 06-0088-CB-M
 :
 LT. LORETTA HOLLAND, et al., :
 :
 Defendants. :

ORDER

A Russell County prison inmate proceeding pro se filed a complaint under 42 U.S.C. § 1983 together with a Motion to Proceed Without Prepayment of Fees (Docs. 1, 2). Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff is required to pay the statutory filing fee of \$250.00 for this action. Plaintiff's motion indicates that a partial filing fee must be paid by Plaintiff before this action proceeds further. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to pay the remainder of the \$250.00 filing fee in monthly payments of 20% of the preceding month's income credited to his prisoner account. 28 U.S.C. § 1915(b)(2). These payments shall be forwarded to the Clerk of the United States District Court for the Southern District of Alabama each time the amount in Plaintiff's account exceeds \$10.00, until the \$250.00 filing fee is paid in full. Id. By separate Order, the appropriate agency will be directed by the Court to collect and forward to the Court these monthly payments from Plaintiff's account. Id. Plaintiff is obligated to pay the \$250.00 filing

fee even if this action is dismissed on the ground that it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).

Accordingly, it is **ORDERED** that:

1. Plaintiff's Motion to Proceed Without Prepayment of Fees be **GRANTED**.

2. Plaintiff **REMIT** to the Clerk of the United States District Court for this District, within twenty (20) days, a money order for \$5.16 made payable to "Charles R. Diard, Jr., Clerk."

3. Failure to comply with this Order within the prescribed time will result in the dismissal of this action. If the money order is not timely received by the Clerk, the Clerk is **DIRECTED** to forward this action's file to the undersigned judge for dismissal for failure to prosecute and to obey the Court's Order and for entry of an Order requiring the appropriate agency to collect the \$250.00 filing fee from Plaintiff's prisoner account in the manner prescribed by 28 U.S.C. § 1915(b)(2).

4. If the money order is timely received by the Clerk, the Clerk is **DIRECTED** to forward this action to the undersigned judge for review under 28 U.S.C. §§ 1915(e)(2) and 1915A(b), which requires that after the payment of the filing fee, or a portion

thereof, the Court dismiss an action that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. After an action is screened and is not dismissed on one of the enumerated grounds, then the complaint will be served. However, if during the screening process, this action is dismissed on the ground that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, this dismissal will be counted when Plaintiff files a future action in determining whether to dismiss that future action for the reason that Plaintiff previously had filed three or more actions that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).

5. The remainder of the \$250.00 filing fee be paid by Plaintiff. While Plaintiff is a prisoner, the payment of the remainder of the \$250.00 filing fee shall be made in accordance with 28 U.S.C. § 1915(b)(2).

6. Plaintiff advise the Court immediately of a change in address, e.g., when Plaintiff is transferred, released, etc., or suffer the dismissal of this action for failure to prosecute and to obey the Court's Order.

DONE this 9th day of March, 2006.

s/BERT W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE